

Meeting Notes – May 17, 2001
Regulatory and Administrative Working Group

1. Marginal Risk Sites

The subcommittee reviewed and discussed comments prepared by GZA GeoEnvironmental, Inc. and Lincoln Environmental concerning the draft policy associated with Marginal Risk Sites (aka Simple Sites). Issues discussed included the following:

- ❑ The issue of completeness of submission was discussed. It was agreed that if the submission characterized the site and meet the requirements of the checklist then the project should move forward as a Marginal Risk Site. If the submission was deficient, then the submission would be denied applicability to the Marginal Risk Site process and it would be processed as a normal submission. DEM was strongly encouraged to communicate with the applicant as early as possible if there are indications that the submission would not meet the characteristics of a Marginal Risk Site.
- ❑ Should GB Leachability exceedances be accepted in Marginal Risk Sites model if no impacts to groundwater can be demonstrated?
 - The pros and cons of each were discussed - the decision was made to review specific projects to further assess implications.
- ❑ Should it be required to evaluate the potential presence of UCL conditions (i.e., TCLP metals) on all Marginal Risk Sites? Should a criteria be established to assess applicability for Marginal Risk Sites status (i.e., ½ UCL)?
 - The pros and cons of each were discussed - the decision was made to review specific projects to further assess implications.
- ❑ Decision was made to initially “roll-out” the final Marginal Risk Sites model as a policy, with eventual modification of Remedial Regulations to include the provisions.
- ❑ Decision was made to allow application of Marginal Risk Sites policy to the Brownfields Program, with recognition that time-specified notification period must be addressed.

- ❑ Should groundwater criteria be established (i.e., a proportion of the existing GB Objectives) that would limit the applicability of sites to the Marginal Risk Sites policy?
 - Decision was made that groundwater concentrations that were near the GB Objectives must be fully characterized. Target of 75% the Method 1 objective was discussed. Agreement was reached that uncertainties with regard to the lack of a complete characterization to assess such conditions may be grounds to deny Marginal Risk Sites status.
- ❑ Discussions regarding the Review/Approval process for Marginal Risk Sites resulted in development of the following:

Date	Event/Milestone
Day 1	<i>Notification of Release/Application for Marginal Risk Sites status</i>
Day 30 (or before)*	<i>Program Letter – approval of Marginal Risk Sites status – SIR complete - initiate public notice</i>
Day 37	Public notice period ends
Day 42	<i>Remedial Approval Letter</i>

*Importance of approval or denial of the application before the Day 30 trigger was discussed and accepted.

- ❑ The group discussed DEM's policy on TPH and questioned whether to regulate it as a nuisance or a risk. Remediation standards will vary depending on the decision. A related issue was what to do about floating product or sheen. It was suggested that wells be evaluated for the presence of LNAPL prior to bailing. This TPH issue needs to be further discussed.

The meeting was adjourned and the next meeting was set for May 31, 2001 at 9:00-10:30 in Conference Room B (4th Floor- by Office of Legal Services) 235 Promenade Street, Providence.